

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

ANTHONY TELLIS and BRUCE CHARLES	*	JUDGE ELIZABETH E. FOOTE
on behalf of themselves and all others similarly	*	USMJ MARK L. HORNSBY
situated	*	
	*	
VERSUS	*	
	*	
JAMES M. LEBLANC, Secretary	*	CIVIL ACTION
of the Louisiana Department of Public Safety	*	
and Corrections, et al.	*	NO.: 5:18-CV-00541-EEF-MLH

DEFENDANTS' NOTICE OF APPEAL

Notice is hereby given that all Defendants¹ appeal to the United States Court of Appeals for the Fifth Circuit the final Judgment dated July 18, 2024 (ECF No. 756), and all orders, rulings, and opinions that merge into that Judgment under Federal Rule of Appellate Procedure 3(c)(4), including, but not limited to:

1. Memorandum Ruling dated September 20, 2021 (ECF No. 462);

¹ All claims against Johnie Adkins were dismissed with prejudice. *See* ECF No. 754 at 2-3, n.6.

Remaining Defendants include the Louisiana Department of Public Safety and Corrections (LDOC); James M. Leblanc, in his official capacity as Secretary of the LDOC; Deborah Dauzat, in her official capacity as Warden of David Wade Correctional Center (DWCC); Colonel Roderick Malcolm, Dr. Gregory Seal, Aerial Robinson, and the DWCC Social Services Counselor 1 at DWCC (all in their official capacities as employees of DWCC).

LDOC's party status is limited to only the claims under the ADA and Rehabilitation Act. *See* ECF No. 316 at 6-7, ¶ 17.

Jerry Goodwin retired, and Dauzat assumed the role of Warden in July 2023. All current public officers are substituted automatically pursuant to Fed. R. Civ. P. 25(d).

The position of Colonel for the South Compound was previously held by Lonne Nail and Vincent Coleman. In November 2023, Col. Malcolm assumed this role.

The position of Mental Health Director was previously held by Dauzat. The position of Correctional Program Manager 2 was previously held by Steve Hayden until he resigned. In September 2023, Robinson assumed the role of Mental Health Director, Correctional Program Manager 2.

The position of Social Services Counselor 1 was previously held by Robinson. DWCC no longer employs an individual in the Social Services Counselor 1 classification, as such, Defendants substitute the position itself until such time as a there is a successor in that office.

2. Opinion dated November 1, 2022 (ECF No. 641);
3. Opinion dated July 18, 2024 (ECF No. 754); and
4. Remedial Order dated July 18, 2024 (ECF No. 755).

This appeal is taken pursuant to 28 U.S.C. § 1291.

Dated: August 2, 2024.

Respectfully Submitted:

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of August 2024, I electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/ Randal J. Robert
Randal J. Robert